

TOWNSHIP COUNCIL MEETING AGENDA

MONDAY, AUGUST 22, 2022

7:00 P.M.

SALUTE TO THE FLAG

STATEMENT OF PUBLIC NOTICE – TAKE NOTICE THAT ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED IN ACCORDANCE WITH N.J.S.A. 10:4-8 AND N.J.S.A. 10:4-10 AS FOLLOWS: A NOTICE OF THE MEETING WAS PROMINENTLY POSTED ON THE BULLETIN BOARD AT THE MUNICIPAL BUILDING, LOCATED AT 225 MAIN STREET, LITTLE FALLS, N.J. ON MARCH 11, 2022. A COPY OF THE NOTICE WAS MAILED TO THE NORTH JERSEY HERALD & NEWS AND THE RECORD ON THE SAME DATE. ADDITIONALLY, A COPY OF THE NOTICE WAS FILED IN THE OFFICE OF THE TOWNSHIP CLERK ON SAID DATE.

A LINK AND A TELEPHONE NUMBER TO JOIN THE MEETING VIRTUALLY CAN BE ACCESSED ON THE TOWNSHIP WEBSITE AT WWW.LENJ.COM. ELECTRONIC PROVISIONS HAVE BEEN ESTABLISHED FOR THE PUBLIC TO PARTICIPATE DURING THE PUBLIC COMMENT PORTION OF THE MEETING.

ROLL CALL

MINUTES

APPROVAL OF MINUTES FROM THE REGULAR MEETING OF JULY 25, 2022
AND THE WORKSHOP MEETING OF AUGUST 8, 2022

MAYOR'S REPORT

REMARKS FROM THE CHAIR

COUNCIL MEMBER REPORTS

ATTORNEY'S REPORT

PUBLIC COMMENT – AGENDA ITEMS ONLY

ANYONE WISHING TO ADDRESS THE TOWNSHIP COUNCIL MAY DO SO THROUGH THE COUNCIL PRESIDENT. PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD. COMMENTS ARE TO BE LIMITED TO THREE MINUTES, HOWEVER, IF APPROPRIATE, YOU MAY BE GRANTED ADDITIONAL TIME IN THE SOLE DISCRETION OF THE COUNCIL PRESIDENT.

MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING VIRTUALLY AND DESIRE TO PROVIDE COMMENT SHALL RAISE THEIR VIRTUAL HAND IN THE ZOOM APPLICATION. THE MEETING MODERATOR WILL QUEUE THE MEMBERS OF THE PUBLIC THAT WISH TO PROVIDE COMMENT AND THE COUNCIL PRESIDENT WILL RECOGNIZE THEM IN ORDER. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING BY CALLING IN MUST PRESS *6 TO MUTE AND UNMUTE THEMSELVES AND *9 TO RAISE THEIR HAND. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING VIA THE ZOOM APPLICATION MUST CLICK THE REACTIONS

ICON AND THEN THE RAISE HAND ICON. PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD. ONCE THE PROCESS IS COMPLETE, WE WILL RETURN TO THE REGULAR ORDER OF BUSINESS.

CONSENT AGENDA

ALL ITEMS ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED WITH A SINGLE MOTION. FOR ANY ITEMS UNDER REQUISITIONS THE TREASURER HAS SUPPLIED A CERTIFICATION OF THE AVAILABILITY OF FUNDS.

REPORTS

MUNICIPAL CLERK'S REPORT FOR THE MONTH OF JULY 2022

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT FOR THE MONTH OF JULY 2022

TAX COLLECTOR'S REPORT FOR THE MONTH OF JULY 2022

RECREATION CENTER REPORT FOR THE MONTH OF JULY 2022

CIVIC CENTER REPORT FOR THE MONTH OF JULY 2022

POLICE DEPARTMENT REPORT FOR THE MONTH OF JULY 2022

CONSTRUCTION REPORT FOR THE MONTH OF JULY 2022

FINANCE DEPARTMENT REPORT FOR THE MONTH OF JULY 2022

APPLICATIONS

NJ STATE FIREMEN'S ASSOCIATION, JONATHAN DEPSEE, LITTLE FALLS FIRE DEPARTMENT

LITTLE FALLS FIRE DEPARTMENT AUXILIARY APPLICATION, ANDRE ORNA, LITTLE FALLS FIRE DEPARTMENT

RAFFLE, SONS OF THE AMERICAN LEGION POST #108, ON-PREMISE 50/50, 9/24/22, 1:00 P.M. - 5:00 P.M., 591 MAIN STREET, LITTLE FALLS

RAFFLE, SONS OF THE AMERICAN LEGION POST #108, ON-PREMISE MERCHANDISE RAFFLE, 9/24/22, 1:00 P.M. - 5:00 P.M., 591 MAIN STREET, LITTLE FALLS

RAFFLE, PASSAIC VALLEY BAND ASSOCIATION, ON-PREMISE 50/50, 01/21/23, 10:00 P.M., 4 WOODHULL AVENUE, LITTLE FALLS

RAFFLE, PASSAIC VALLEY BAND ASSOCIATION, TRICKY TRAY, 01/21/23, 10:00 P.M., 4 WOODHULL AVENUE, LITTLE FALLS

CORRESPONDENCE

REQUEST FROM LITTLE FALLS PBA LOCAL #346 FOR PERMISSION TO HOLD ITS ANNUAL OKTOBERFEST FOOD TRUCK FESTIVAL ON SATURDAY, OCTOBER 1, 2022 ON WALNUT STREET, UNION AVENUE, RAILROAD AVENUE, AS WELL AS UTILIZING THE BARBARA SAVITTIERE PARK FROM 12:00 P.M. - 7:00 P.M.

REQUEST FROM PASSAIC VALLEY BAND ASSOCIATION FOR PERMISSION TO CONDUCT A CAN SHAKE FUNDRAISER ON SATURDAY, NOVEMBER 5, 2022 AND SUNDAY, NOVEMBER 6, 2022 AT THE INTERSECTION OF UNION AVENUE AND MAIN STREET FROM 8:00 A.M. - 4:00 P.M.

RESOLUTIONS

RESOLUTION ACKNOWLEDGING RECEIPT AND REVIEW OF THE 2021 ANNUAL REPORT OF AUDIT [A]

RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE 2021 ANNUAL AUDIT [B]

RESOLUTION REJECTING BIDS RECEIVED FOR THE 2022 NJDOT MUNICIPAL AID PROGRAM MAIN STREET STREETScape SECTION 2 PROJECT [C]

RESOLUTION APPROVING RENEWAL OF PLENARY RETAIL CONSUMPTION/PLENARY RETAIL DISTRIBUTION/CLUB LICENSES FOR THE PERIOD FROM JULY 1, 2022 THROUGH JUNE 30, 2023 [D]

BILL LIST [E]

NEW BUSINESS

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1442, AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LITTLE FALLS, ADMINISTRATION OF GOVERNMENT, SECTION 3-7.7, POLICE TABLE OF ORGANIZATION".

INTRODUCTION OF ORDINANCE NO. 1443, AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO AMEND CHAPTER 19 (ANIMALS) OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR SEPTEMBER 19, 2022.

INTRODUCTION OF ORDINANCE NO. 1444, AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWNSHIP CODE BY AMENDING CHAPTER 164, ENTITLED, REGISTRATION AND MAINTENANCE OF PROPERTIES PENDING FORECLOSURE", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR SEPTEMBER 19, 2022.

PUBLIC COMMENT - GENERAL MATTERS

ANYONE WISHING TO ADDRESS THE TOWNSHIP COUNCIL MAY DO SO THROUGH THE COUNCIL PRESIDENT. PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD. COMMENTS ARE TO BE LIMITED TO THREE MINUTES, HOWEVER, IF APPROPRIATE, YOU MAY BE GRANTED ADDITIONAL TIME IN THE SOLE DISCRETION OF THE COUNCIL PRESIDENT.

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ADJOURN

RESOLUTION [A] 22-08-22 - # _____

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and, WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit: R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Little Falls, hereby states that it has complied with the promulgation of the Local Finance Board of the state of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

APPROVED: _____

I, Cynthia Kraus, Municipal Clerk of the Township of Little Falls, hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Township Council on August 22, 2022.

Given under my hand and the seal of the Township of Little Falls this 22nd day of August, 2022.

Cynthia Kraus, Municipal Clerk

cc: Finance Dept., Auditor, DLGS, File, Dept.

**TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY, NEW JERSEY**

RESOLUTION [B] 22-08-22 - # _____

WHEREAS, the Director of the Division of Local Government Services has formally directed all municipalities to adopt a Corrective Action Plan as part of their annual audit process; and

WHEREAS, this Corrective Action Plan shall be submitted to the Director of Local Government Services upon adoption of the Governing Body and it shall be kept on file with the Township Clerk; and

WHEREAS, the Plan shall cover all audit findings and recommendations and be prepared in accordance with the Single Audit Act OMB Circular 128 and Local Finance Notice of 92-15; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby approves the attached Corrective Action Plan for the 2021 Annual Audit;

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to maintain said Plan in Township files, available to the public.

BE IT FURTHER RESOLVED that a certified copy of this Resolution, including the Corrective Action Plan, be forwarded to the Director of the Division of Local Government Services.

APPROVED: _____

ccc: DLGS
cc: Finance Dept.
Auditor
Dept.

RESOLUTION [C] 22-08-22 - # _____

RESOLUTION REJECTING BIDS RECEIVED FOR THE 2022 NJDOT MUNICIPAL AID
PROGRAM MAIN STREET STREETScape SECTION 2 PROJECT

WHEREAS, the Township solicited for bids for the 2022 NJDOT Municipal Aid Program Main Street Streetscape Section 2 Project; and

WHEREAS, the Township received one (1) bid on August 2, 2022; and

WHEREAS, it has been determined that the bid amount is in excess of the anticipated estimated figures;

NOW, THEREFORE, BE IT RESOLVED, that the Township hereby rejects the bid received for the 2022 NJDOT Municipal Aid Program Main Street Streetscape Section 2 Project.

APPROVED: _____

cc: Finance Dept.
Clerk

TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY NEW JERSEY

RESOLUTION [D] 22-08-22 - # _____

BE IT RESOLVED by the Little Falls Township Council as follows:

WHEREAS, applications for renewal of PLENARY RETAIL CONSUMPTION and PLENARY RETAIL DISTRIBUTION LICENSES have been filed as follows:

<u>License No.</u>	<u>License and/or t/a name</u>	<u>Fee</u>
1605-33-006-004	Yellow Leaf, LLC t/a Bromley's 70 East Main Street, 3 rd Floor	\$2,200.00
1605-33-001-010	Orange Leaf, LLC 70 East Main Street, 3 rd Floor	"
1605-33-007-013	JJF Spirits, LLC 109 Newark Pompton Tpke.	"

and WHEREAS, these licenses were previously approved by Resolution [C] 22-06-27 - #3, at a Council meeting held on June 27, 2022;

and WHEREAS, it was later determined that a 12.39 Ruling by the Director of the Division of Alcoholic Beverage Control was necessary in order to approve said renewals;

and WHEREAS, renewal of said licenses per Resolution [C] 22-06-27 - #3 is hereby rescinded;

and WHEREAS, these applicants have now received a 12.39 Ruling from the Director of ABC and it appears that all of the said applications are in satisfactory form; that the applicants have complied with all necessary requirements; that all applications are for renewals by the same persons for the same stands; and that no objections, in writing or otherwise, have been made or filed to any of said applications; and

WHEREAS, the Township Council is familiar with all of the aforementioned applicants and the places for which they apply and sees no objection to any;

NOW, THEREFORE, BE IT RESOLVED that the above-listed applications be and the same are hereby granted; and

BE IT FURTHER RESOLVED that licenses be issued accordingly, to become effective on July 1, 2022 and expire on June 30, 2023.

APPROVED: _____

ccc: ABC
cc: ABC File
Dept.

ORDINANCE NO. 1442

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LITTLE FALLS,
ADMINISTRATION OF GOVERNMENT SECTION 3.7.7**

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Township’s Code of General Ordinances (“Code”) currently provides for the establishment of a Police Division; and

WHEREAS, the municipal council (“Municipal Council”) of the Township has determined to amend 3.7.7, of the Code entitled Division of Police; and

WHEREAS, the Municipal Council has determined to amend said Chapter of the Code to read as follows:

F. Table of organization of Division; workweek.

(1) Table of organization. The regular members of the Division will consist of a Chief, a Deputy Chief, a Captain, four Lieutenants, nine Sergeants and such patrolmen and other personnel and employees as shall be appointed from time to time by the Mayor and deemed necessary in order to maintain administrative efficiency and to preserve good order and discipline within the Division.

G. Duties and responsibilities of members of Division.

(2) Captain of police. A Captain in the Division shall rank next below the Deputy Chief when the Deputy Chief’s position is filled, otherwise the Captain shall rank next below the Chief of Police. The Captain shall be assigned to such duty as may be directed by the Chief and shall have and perform such other and more particular duties as are from time to time prescribed by ordinance and/or rules and regulations.

(2a) Lieutenant of police. A Lieutenant in the Division shall rank next below the ~~Deputy Chief~~ Captain. The Lieutenant shall be assigned to such duty as may be directed by the Chief and shall have and perform such other and more particular duties as are from time to time prescribed by ordinance and/or rules and regulations.

O. Promotions.

(1) General requirements.

(a) Intent. It is the intent of this section that all promotions to superior and command positions within the Township of Little Falls Police Division be made in accordance with the requirements of the laws of the State of New Jersey as established by statute, case law and other such rules, regulations and decisions as provided by law. A promotion of any member of the division to a superior officer position of Sergeant, Lieutenant, Captain or a command officer position Deputy Chief or Chief shall be made from the membership of the division, when possible. Due consideration shall be given to the officer so proposed for the promotion, to the length and merit of his service.

(3a) Promotion to the rank of Captain. Any candidate for promotion for the rank of Captain:

(a) Must have completed a total of one year in the rank of Lieutenant in the division in order to become eligible for such promotion. This one-year requirement shall not include any time spent by a candidate as acting Lieutenant.

(b) Must have knowledge of division rules and regulations, policy and procedures, Township ordinances, Township ordinances that require police action and the New Jersey Code of Criminal Justice.

(c) Must demonstrate a willingness and ability to carry out administrative duties, supervise and direct subordinates, and respond appropriately to emergency situations.

S. Special Police

(5) Eligibility and qualifications.

(a) Is a resident of the State of New Jersey at the time of appointment and throughout the term of appointment.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter 3.7.7 of the Code of the Township of Little Falls.
3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 3.7.7 of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
6. This Ordinance shall take effect upon its final passage by the Municipal Council,

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James Belford Damiano, Mayor

**TOWNSHIP OF LITTLE FALLS
ORDINANCE NO. 1443**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY,
TO AMEND CHAPTER 19 (ANIMALS)
OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS**

WHEREAS, New Jersey has experienced over the past several years an explosion in the deer population which has resulted in the destruction of plants and trees as well as presents a danger to motorists and pedestrians on the Township roadways,

WHEREAS, there has also been notable increases in other wildlife which have also added to the concerns for the health, safety and welfare of the Township citizens and otherwise are a cause for nuisance and harm; and

WHEREAS, the Township Council believes that it is appropriate to control these populations by restricting the undesirable practice by some residents of feeding wildlife; and

WHEREAS, the Township Council desires to place reasonable controls on the manner and means of the feeding of wildlife of all types throughout the Township; and

WHEREAS, the Township Council has found it proper to amend the language of the Code accordance therewith;

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls, that Chapter 19, Animals, of the Code of the Township of Little Falls, is hereby amended by removing and replacing subsection 19-42 through 19-46 as follows:

§19-42 Purpose

It has been well established that the feeding of wild animals and waterfowl is both detrimental to the animals and causes a public health nuisance and safety hazard that is detrimental to the health and general welfare of the public.

§19-43 Definitions

As used in this article, the following terms shall have the meanings indicated:

Waterfowl: Any bird that frequents the water, or lives about rivers, lakes, etc., or on or near the sea; an aquatic fowl, including but not limited to ducks, geese, swans, heron, egrets.

Wild Animal: Includes any animal which is not normally domesticated in this state, including but not limited to bears, coyotes, deer, feral cats, foxes, groundhogs, opossums, raccoons, skunks, and waterfowl.

§19-44 Feeding of Wildlife

A. Prohibited Actions

- 1) No person shall purposely or knowingly, as said terms are defined in Title 2C of the New Jersey Revised Statutes, feed, bait, or in any manner provide access to food to any wild animal or waterfowl in said Township on lands either publicly or privately owned. This section shall not apply to the feeding of farm animals.
- 2) No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit or grain in a manner that would constitute an attractant to any wild animal or waterfowl.
- 3) No person shall fail to take remedial action to avoid contact or conflict with wild animals, which may include the securing or removal of outdoor trash, cooking grills, pet food, bird feeders or any other similar food source or attractant, after being advised by the Township to undertake such remedial action. Further, after an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including but not limited to outdoor trash, grills, pet food or bird feeders.

B. Feeding of other songbirds and other backyard birds shall be permitted outdoors at such times and in such numbers that:

- 1) Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property;
- 2) Does not create an accumulation of droppings on the property and surrounding properties;
- 3) Does not become an attractant for rodents or other wild animals; and
- 4) Bird feeders are placed at least five feet above the ground.

C. Nothing in this section shall apply to any agent of the Township authorized to implement an alternative control method set forth in any approved community-based deer management plan and possessing a special deer management permit issued by the New Jersey Division of Fish and Wildlife in accordance with the provisions of N.J.S.A. 23:4-42.3 et seq. or any hunter engaging in baiting for the purpose of hunting pursuant to a valid hunting license issued in accordance with the provisions of Title 23 of the New Jersey Revised Statutes.

§19-45 Duties of Property Owners; Enforcement.

- A. Each property owner shall have the duty to remove any above-named materials or device placed on the owner's property in violation of this article.
- B. Failure to remove such materials or device or to make such modifications within 24 hours after notice from the Township shall constitute a separate violation of this article.
- C. Health Department personnel, animal control officers and all police officers of the Township are hereby given full power and authority to enforce this article.
- D. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this article.

§19-46 Violations and Penalties.

Any person violating any provision of this article shall be liable to a fine of not less than \$50 nor more than \$500 for each offense, together with the costs of prosecution. A separate offense shall be deemed committed on each day during which a violation occurs or continues.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. Ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency; and
2. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portion of the Ordinance; and
3. Except as hereby amended, the Code of the Township of Little Falls shall remain in full force and effect.
4. This Ordinance shall take effect twenty days after final passage and publication in accordance with law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus
Municipal Clerk

James Belford Damiano
Mayor

ORDINANCE NO. 1444

AN ORDINANCE, AMENDING THE TOWNSHIP CODE OF LITTLE FALLS AMENDING CHAPTER 164 ENTITLED, REGISTRATION AND MAINTENANCE OF PROPERTIES PENDING FORECLOSURE

AN ORDINANCE, AMENDING THE TOWNSHIP CODE OF LITTLE FALLS BY ~~REPEALING, IN ITS ENTIRETY, AMENDING~~ CHAPTER 164 ENTITLED ~~"PROPERTY PENDING FORECLOSURE, REGISTRATION AND MAINTENANCE OF"~~ AND ~~REPLACING, IN ITS ENTIRETY, WITH CHAPTER 164 TO BE ENTITLED,~~ "REGISTRATION OF FORECLOSURE MORTGAGES AND VACANT PROPERTY"; PROVIDING FOR PURPOSE, INTENT AND APPLICABILITY OF THE ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES AND VACANT PROPERTY BY OWNERS; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF REGISTRABLE REAL PROPERTY WITHIN THE TOWNSHIP; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

(RECITALS)

WHEREAS, the Township Council desires to protect the public health, safety, and welfare of the citizens of the incorporated area of the Township of Little Falls and maintain a high quality of life for the citizens of the Township through the maintenance of structures and properties in the Township; and

WHEREAS, the Council recognizes properties subject to foreclosure action or foreclosed upon and vacant properties (hereinafter referred to as "Registrable Properties") located throughout the Township lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, the Council has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and WHEREAS, the Council recognizes in the best interest of the public health, safety, and welfare a more regulated method is needed to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the Council has a vested interest in protecting neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of Registrable Property located within the Township to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised.

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Council is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

WHEREAS, pursuant to P.L. 2021, c. 444, the Council is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring residential and

commercial properties within the Township for which a summons and compliant in an action to foreclosure on a mortgage has been filed, regulate the care, maintenance, security and upkeep of such properties, and impose a registration fee on the creditor of such properties.

(RESOLUTION)

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP:

The Council finds that the implementation of the following changes and additions will assist the Township in protecting neighborhoods from the negative impact and conditions that occur as a result of vacancy, absentee ownership, and lack of compliance with existing Township regulations and laws.

(a) That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof.

(b) That the Council does hereby amend the Township Codified Ordinances by repealing, in its entirety, Chapter 164 entitled "Property Pending Foreclosure, Registration and Maintenance of" and replacing it, in its entirety, with amending Chapter 164 entitled "Registration of Foreclosure Mortgages and Vacant Property" to read as follows.

CHAPTER 164. REGISTRATION OF FORECLOSING MORTGAGES AND VACANT PROPERTY

Sec. 164-1 PURPOSE AND INTENT.

It is the purpose and intent of the Council to establish a amend the process to address the deterioration, crime, and decline in value of Township neighborhoods caused by property with foreclosing or foreclosed mortgages located within the Township, and to identify, regulate, limit and reduce the number of these properties located within the Township. It has been determined that Owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property Owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Council's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in Foreclosure or Foreclosed, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.

Sec. 164-2 DEFINITIONS

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Annual Registration shall mean twelve (12) months from the date of the first action that requires registration, as determined by the Township, or its designee, and every subsequent twelve (12) months. The date of the initial registration may be different than the date of the first action that required registration.

Default shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

Enforcement Officer shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the Township to enforce the applicable code(s).

Evidence of Vacancy shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code. Foreclosure or

Foreclosure Action shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

Mortgagee shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities.

Owner shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

Property Manager shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

Real Property shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Township limits.

Registrable Property shall mean:

(a) Any Real Property located in the Township, whether vacant or occupied, that is encumbered by a mortgage subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in

the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the Foreclosure Action has been dismissed; or

(b) Any property that is vacant for more than thirty (30) days or any cancellation of Utility or Service, whichever occurs first.

Registry shall mean a web-based electronic database of searchable Real Property records, used by the Township to allow Mortgagees and Owners the opportunity to register properties and pay applicable fees as required in this Chapter.

Semi-Annual Registration shall mean six (6) months from the date of the first action that requires registration, as determined by the Township, or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

Utilities and Services shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all Township codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

Vacant shall mean any parcel of land in the Township that contains any building or structure that is not lawfully occupied.

Sec.164-3 APPLICABILITY AND JURISDICTION This Chapter applies to Foreclosing, Foreclosed, and Vacant property within the Township.

Sec. 164-4 ESTABLISHMENT OF A REGISTRY Pursuant to the provisions of Sec.164-4 the Township, or its designee, shall establish a registry cataloging each Registrable Property within the Township, containing the information required by this Chapter.

Sec.164-5 INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE

(a) Any Mortgagee who holds a mortgage on Real Property located within the Township shall perform an inspection of the property upon default by the mortgagor as evidenced by the filing of a Foreclosure Action.

(b) Property inspected pursuant to subsection (a) above that remains in Foreclosure shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.

(c) Within ten (10) days of the date any Mortgagee files a Foreclosure Action, the Mortgagee shall register the Real Property with the Township Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain, and secure the Real Property subject to the mortgage under a Foreclosure Action. A separate registration is required for each property under a Foreclosure Action, regardless of whether it is occupied or vacant.

(d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number.

(e) At the time of initial registration each registrant shall pay a non-refundable ~~Semi~~-Annual Registration fee of five hundred dollars (\$500.00) for each property. Subsequent nonrefundable ~~Semi~~-Annual renewal registrations of properties and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Township's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.

(f) Each individual property on the Registry that has been registered for six (6) months or more prior to the Effective Date shall have thirty (30) days to renew the registration and pay the non-refundable five hundred dollar (\$500.00) annual registration fee. Properties registered less than six (6) months prior to the Effective Date shall renew the registration every twelve (12) months from the expiration of the original registration renewal date and shall pay the non-refundable five hundred dollar (\$500.00) annual registration fee.

(f) If the mortgage and/or servicing on a Registrable Property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.

(g) If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Foreclosed Property.

(h) If the Foreclosing or Foreclosed Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.

(i) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.

(j) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable Property.

(k) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Township.

(l) If any property is in violation of this Chapter the Township may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

Sec. 164-6 INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE

(a) Any Owner of Vacant property located within the Township shall within ten (10) days after the property becomes Vacant, register the Real Property with the Township Registry.

(b) Initial registration pursuant to this section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the Property Manager and said person's address, e-mail address, and telephone number.

(c) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each Vacant property. Subsequent non-refundable Semi-Annual renewal registrations of Vacant properties and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Township's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter.

(d) If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Owner shall register the Vacant property or update the existing registration. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.

(e) If the Vacant property is not registered, or either the registration fee or the Semi-Annual Registration fee is not paid within thirty (30) days of when the registration or Semi-Annual Registration is required pursuant to this section, a late fee shall be equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty (30) day period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners of the Vacant property.

(f) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is Vacant.

(g) Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Township.

(h) If any property is in violation of this Chapter the Township may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

(i) Properties registered as a result of this section are not required to be registered again pursuant to the Foreclosure mortgage property section.

Sec. 164-7 MAINTENANCE REQUIREMENTS

(a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.

(b) Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

(c) Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.

(d) Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

(e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.

(f) Pools and spas of shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).

(g) Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the Township. Pursuant to a finding and determination by the Township Sheriff, Magistrate or a court of competent jurisdiction, the Township may take the necessary action to ensure compliance with this section.

(h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Township.

Sec.164-8 SECURITY REQUIREMENTS

(a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.

(c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.

(d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Township. (e) When a property subject to this Chapter becomes Vacant, it shall be posted with the name and twenty-four (24) hour contact telephone number of the Property Manager. The Property Manager shall be available to be contacted by the Township Monday through Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY _____

AND IS INSPECTED ON A REGULAR BASIS.

THE PROPERTY MANAGER CAN BE CONTACTED

BY TELEPHONE AT _____

OR BY EMAIL AT _____

(f) The posting required in subsection (e) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.

(g) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the Township. The Township may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

Sec. 164-9 PROVISIONS SUPPLEMENTAL

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the Township from collecting on fees, fines, and penalties in any

lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

Sec.164-10 PUBLIC NUISANCE

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Township.

Sec. 164-11 ADDITIONAL AUTHORITY

(a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the code enforcement, Council or special magistrate as soon as possible to address the conditions of the property. Nothing herein shall limit the Township from abating any nuisance or unsafe condition by any other legal means available to it.

(b) The Sheriff, code enforcement, Council or special magistrate shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

(c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Sheriff, code enforcement, Council or special magistrate may direct the Township to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.

(d) If the Mortgagee or Owner does not reimburse the Township for the cost of temporarily securing the property, or of any abatement directed by the Sheriff, code enforcement officer, code enforcement, Council or special magistrate, within thirty (30) days of the Township sending the Mortgagee or Owner the invoice then the Township may lien the property with such cost, along with an administrative fee as determined in the Township's fee ordinance to recover the administrative personnel services. In addition to filing a lien the Township may pursue financial penalties against the Mortgagee or Owner.

(e) The Township may contract with an entity to implement this Chapter, and, if so, any reference to the Enforcement Officer herein shall include the entity the Township contract with for that purpose.

Sec. 164-12 OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

Sec. 164-13 IMMUNITY OF ENFORCEMENT OFFICER Any Enforcement Officer or any person authorized by the Township to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

Sec.164-14 PENALTIES Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful.

1. Per P.L. 2021, Chapter 444, C.40:48-2.12s3 g. (1) An out-of-State creditor subject to an ordinance adopted pursuant to subsection a. of this section found by the municipal court of the municipality in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph

2. Per P.L. 2021, Chapter 444, C.40:48-2.12s3 g. (2) A creditor subject to an ordinance adopted pursuant to subsection a. of this section found by the municipal court of the municipality in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation, excluding only a violation addressed by paragraph (1) of this subsection, of the ordinance shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

Sec.164-15 AMENDMENTS

Registration fees and penalties outlined in this Article may be modified by ~~resolution, administrative order, or an~~ amendment to this Article, passed and adopted by the Council.

Sec. 164-16 SEVERABILITY It is hereby declared to be the intention of the Township that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Sec. 164-17 REPEALER

All ordinances or parts of ordinances in conflict herewith, are hereby repealed and replaced.

Sec. 164-18 CODIFICATION

It is the intention of the Council, that the provisions of this Ordinance shall become and be made a part of the Township Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "chapter", or such other appropriate word or phrase in order to accomplish such intentions.

Sec. 164-19 EFFECTIVE DATE

This ordinance shall become effective immediately upon adoption.